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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,556	01/14/2004	Roger B. Aboujaoude	ATT/2003-0021	3034
26652	7590	10/28/2009		
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			EXAMINER MANSFIELD, THOMAS L	
			ART UNIT	PAPER NUMBER
			3624	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/757,556

**Applicant(s)**

ABOUJAUDE ET AL.

**Examiner**

THOMAS MANSFIELD

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 March 2009 has been entered.
2. This Continued Examination Office Action is in reply to the response to notice of non-compliant amendment filed on 17 August 2009.
3. Claims 1 and 12 have been amended.
4. Claims 1-9, 11-20, and 22 are currently pending and have been examined.

**Response to Amendment**

5. In the previous two office actions, the Applicant was required to address a rejection under 35 U.S.C. §101 because Claims 1-9 and 11 recited steps for unifying and sharing business applications but did not produce useful, concrete and tangible results. Applicant has amended Claim 1-9 and 11 to produce a useful, concrete and tangible result and the rejection is **withdrawn**.

6. In the previous two office actions, the Applicant was required to address a rejection under 35 U.S.C. §101 because Claims 1-9, 11-20 and 22 were directed to non-statutory subject matter. Applicant has amended Claims 12-20 and 22 to recite statutory subject matter and the rejection is **withdrawn**. However, Claims 1-9 and 11 have not been amended to properly recite statutory subject matter and the rejection is **maintained** and explained in the below rejection.

***Response to Arguments***

7. Applicant's arguments filed 17 August 2009 have been fully considered but they are moot based on a new grounds of rejection.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:
- Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
9. Claims 1-9 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a system or method claim to be statutory, it must comprise hardware or a combination of hardware and software, but cannot be comprised solely of software. Claim 1 recites a "business application system" with "a unified portal", "enterprise function module", and "database warehouse". Although Claim 1 recites a system, there is no structure/hardware to support the *unified portal*, *enterprise function module*, and *database warehouse*. Because the claim does not expressly recite hardware, a "business application system" with "a unified portal", "enterprise function module", and "database warehouse" appear to be software *per se*. Because software *per se* is not tangible and statutory, it does not constitute a proper system claim. Claims 2-9 and 11 depend from Claim 1 and has the same deficiencies and missing elements and are rejected for the same rationale. Since the instant application provides statutory support within the specification, the Applicant can overcome the rejection by reciting the specific and necessary computer hardware components (i.e., a server, a processor, etc.) within the body of Claim 1's limitations to properly support the system claim.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-9, 11-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell et al (Campbell) (U.S. 6,871,193) in view of Bansal et al. (Bansal) (U.S. Pub. No. 2003/020593).

With regard to Claims 1 and 12, Campbell teaches *a unified shared business application system and method* (a gateway for providing consumer services) (see at least column 1, line 40 through column 2 line 19), comprising:

- *a unified portal* (gateway, portal server **16**) *for authenticating* (authentication service) *and authorizing user preferences and restrictions* (authorize a user associated with the gateway) (see at least column 1, lines 56-65 and column 5, lines 39-43).
- *an enterprise function* (Bundles **112** may provide various types of functionality, an authentication bundle **138**) (see at least column 10, lines 222-36), *for providing a common customer identifier (CCI)* (access control list (ACL), unique identifier) (see at least column 11, lines 24-54 and column 17, lines 64-66) *for users* (one or more users **36**) *associated with a plurality of business channels* (utility services that consumer services **141** can access) *of a plurality of enterprises* (Authorized third party bundles **140**) (see at least column 11, lines 55-66), *wherein said enterprise function associates a CCI associated with each enterprise to each user accessing said unified portal* (Portal-page bundle **132** provides a user interface to user **36** at customer premises **12** to allow the user to interact with bundles **140**) (see at least column 10, lines 57-61);

- *an integrated business applications system (Application-Programmer-Interface bundle 135) for integrating a plurality of business applications across products and services (comprise software modules that define functionality in utility services that consumer services 141 can access) to produce integrated business applications (providing services to, or requesting services from bundles 112 which are inside partition 114) to authorized user selections of at least one business application from said unified portal (authorized third party bundles 140 may include functionality for controlling devices 36 when the devices are light switches, climate controls) (see at least column 11, line 55 through column 12, line 13).*
- *a database warehouse (Database 42) for storing information associated with said business channels of said plurality of enterprises, each user, and said products and services (see at least column 6, lines 18-24, lines 59-65, column 11, lines 30-33).*

Campbell generally teaches *wherein said CCI provides an indicium of priority for servicing an enterprise customer* (Authorization may be at a high level, where access is granted or denied to gateway 30, or at a low level, where access granted or denied for a specific service) (see at least column 18, lines 51-66). Bansal teaches *wherein said CCI provides an indicium of priority for servicing an enterprise customer* (Provision to prioritize the message processing, having varying levels of resource demands and prioritization) in analogous are of centralized portal architecture for the purposes of, "Messaging Service", "Provision for prioritizing the processing of messages in the message queue" (see at least paragraphs 641-646, 721-728, and 869-871).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the centralized portal architecture as taught by Bansal with the consumer services method of Campbell. One of ordinary skill in the art would have been motivated to do so for the benefit of having priority or an importance for a message in a queue or varying levels of resource demand (Bansal, paragraphs 641-646, 721-728, and 869-871).

With regard to Claims 2 and 13, Campbell teaches *wherein said enterprise function associates a plurality of sub-enterprise entities associated with said user* (stock trading capabilities, home automation system, grocery store) (see at least column 9, lines 26-37).

With regard to Claims 3 and 14, Campbell teaches *wherein said plurality of business channels comprise at least one of a customer channel* (consumer services **141**, utility services), *a sales channel* (to place a time-sensitive stock purchase) (see at least column 8, lines 7-12), *an alliances channel* (External network interface **106**), *or an internal operations channel* (Internal network interface **104**, Bluetooth interface) (see at least column 8, lines 47-65).

With regard to Claims 4 and 15, Campbell teaches *wherein said plurality of business applications comprises an ordering application* (bundles **112** may provide the ability to order groceries) (see at least column 9, lines 30-35), *a maintenance application* (maintenance bundle **137**), *and a billing application* (billing bundle **134**) (see at least column 10, lines 22-36).

With regard to Claims 5 and 16, Campbell teaches *wherein each of said plurality of business applications are integrated across products and technologies associated with said users of said business channels* (provides a user interface, to allow the user to interact wit bundles **140**) (see at least column 10, lines 57-61).

With regard to Claims 6 and 17, Campbell teaches *wherein said database warehouse comprises a virtual unified database* (Operating system layer **124** comprises an operating system operable to support Java virtual machine layer **122** and OSGi layer **120** on the hardware used) (see at least column 9, lines 23-25) *and is updated based on actions taken by said plurality of business applications in response to said user selections* (provisioning bundle **130** may retrieve utility bundles, authorized third party bundles **140** and updates to bundles **112** from portal server **16** using web server **44**) (see at least column 10, lines 37-56).

With regard to Claims 7 and 18, Campbell teaches *wherein said CCI is associated with at least one master customer number (MCN)* (generate a unique value based on the characteristics of a particular bundle **112**), *where each of said at least one MCN is associated with a business sub-entity of said enterprise* (a company may further identify a particular bundle **112** by applying further cryptographic transformations to the unique value associated with the company) (see at least column 10, lines 4-18).

With regard to Claims 8 and 19, Campbell teaches *wherein said plurality of business applications (Profile service 176) utilize said MCN to retrieve information (retrieve and store profile information) from said database warehouse (in database 42 at portal server 176) (see at least column 13, lines 43-55).*

With regard to Claims 9 and 20, Campbell teaches *wherein said unified portal is a host for accessing said plurality of business applications (Portal-page bundle 132 provides a user interface to user 36 at customer premises 12 to allow the user to interact with bundles 140) (see at least column 10, lines 57-61).*

With regard to Claims 11 and 22, Campbell does not specifically teach *wherein said unified portal comprises an interface for providing graphical and textual information. Bansal teaches wherein said unified portal comprises an interface for providing graphical and textual information (graphical interface) in analogous art of a centralized portal architecture for the purposes of, "Content" is considered to be information created in text, graphical, video, animation or other forms which is targeted to distribution using web technologies" (see at least paragraphs 171 and 531-540).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the centralized portal architecture as taught by Bansal with the consumer services method of Campbell. One of ordinary skill in the art would have been motivated to do so for the benefit of content and asset management (Bansal, paragraphs 171 and 531-540).



***Conclusion***

12. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Kaler et al. (U.S. 7,451,157) discloses scoped metadata in a markup language including authentication and priority for access rights associated with user requests.

13. **Examiner's Note:**

The invention, as disclosed in the instant application, is directed to generating a unified shared business application system. The instant application may disclose patentable subject matter however not all of the disclosed potentially patentable subject matter is recited in the claims. An interview with the examiner may be productive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./  
Examiner, Art Unit 3624

23 October 2009  
Thomas Mansfield

/Bradley B Bayat/  
Supervisory Patent Examiner, Art Unit 3624